

## **IC 20-26-8**

### **Chapter 8. Community Use of School Property**

#### **IC 20-26-8-1**

##### **Community use of school facilities for educational and recreational activities**

Sec. 1. A board of school trustees in a second or third class city, a board of school trustees of a town, or the school trustees of a school township:

(1) may, on their own initiative, and shall, upon petition as provided in section 2 of this chapter, establish and maintain for children and adults in the school buildings and on the school grounds under the custody and management of the boards or school trustees of school townships:

- (A) evening schools;
- (B) vacation schools;
- (C) debating clubs;
- (D) community centers;
- (E) gymnasiums;
- (F) public playgrounds;
- (G) public baths; and
- (H) similar activities and accommodations as determined by the boards or school trustees of school townships;

without charge to the residents of the cities, towns, or townships; and

(2) may:

(A) cooperate, by agreement, with other commissioners or boards or school trustees of school townships that have custody and management of public parks, libraries, museums, and other public buildings and grounds to provide the:

- (i) equipment;
- (ii) supervision;
- (iii) instruction; and
- (iv) oversight;

necessary to conduct public educational and recreational activities in and upon the other buildings and grounds; and

(B) pay all expenses associated with the activities from the general fund.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-8-2**

##### **Petition, certification, and election on use of facilities**

Sec. 2. (a) If:

(1) a petition is filed with:

- (A) the clerk of a municipality; or
- (B) the trustee of any township;

that is signed by at least ten percent (10%) of the number of voters voting at the last general election held in the city; or

(2) a petition is presented that contains the signatures of at least

one hundred (100) freeholders living in a town or township; that sets forth a question in the form prescribed by IC 3-10-9-4 and a date for an election on the question, the question of exercising the powers granted for any of the purposes enumerated in section 1 of this chapter shall be submitted to the electors of the municipalities or townships.

(b) The clerk or trustee shall certify the public question to the county election board of each county in which the school corporation is located. The county election board shall place the public question on the ballot at the first primary or general election conducted after certification under IC 3-10-9-3. If the first primary or general election will be conducted more than six (6) months after certification, the county election board shall conduct the election not later than thirty (30) days after certification.

(c) If a majority of the votes cast upon the question are affirmative:

(1) the board of school trustees of the municipality; or

(2) the school trustee of the school township;

shall exercise the powers in accordance with the petition under this chapter.

*As added by P.L.1-2005, SEC.10.*

### **IC 20-26-8-3**

#### **Authority to receive and expend gifts and appropriations**

Sec. 3. (a) The board or school trustee of any school township may receive and expend for purposes of this chapter money received as gifts or appropriations made by individuals, business establishments, or organizations.

(b) The board or school trustee of a school township may also receive property that donors transfer to the board or school trustee of a school township. The property may be used only in conformity with the purposes of this chapter.

*As added by P.L.1-2005, SEC.10.*

### **IC 20-26-8-4**

#### **Repealed**

*(Repealed by P.L.2-2006, SEC.199.)*

### **IC 20-26-8-5**

#### **Use of abandoned school property as community center; restrictions on sale**

Sec. 5. If a district public school has been abandoned and the schoolhouse and school grounds in the district are no longer used or needed for public school purposes, the township trustee in charge of the school building and school grounds:

(1) shall, upon application of at least fifty-one percent (51%) of the freehold residents of the school district, allow the use of the abandoned schoolhouse and school grounds as a community center for nonpartisan gatherings of citizens of the school district for civic, social, and recreational purposes; and

- (2) may not sell or offer for sale any building or grounds:
  - (A) while the building or grounds are used as a community center; or
  - (B) for at least one (1) year after the discontinuance of the use of any abandoned schoolhouse and school grounds for a community center.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-8-6**

##### **Operation and management of community center**

Sec. 6. (a) The operation and management of a community center shall be vested in a nonprofit corporation organized for that purpose under the general laws regulating the formation of nonprofit corporations.

(b) The membership of a nonprofit corporation described in subsection (a) must be composed of resident freeholders of the school district.

(c) The expenses of improvement of the school grounds and reconstruction or repairs of the abandoned schoolhouse shall be paid for by the corporation in charge of the community center while the school grounds or schoolhouse is operated and managed as a community center.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-8-7**

##### **Cessation of community center when property used for school purposes**

Sec. 7. An established community center in a school district shall cease its operation in the schoolhouse and upon the school grounds not more than one (1) month following the receipt of a written notice:

- (1) submitted to the proper officers of the corporation of the community center; and
- (2) by the township trustee of the township where the community center is being operated;

that indicates the school building and school grounds are needed for school purposes.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-8-8**

##### **Use of abandoned school property as park**

Sec. 8. If:

- (1) a third class city in which a school corporation of the city has purchased, in the name of the school corporation, real estate to be used for school purposes; and
- (2) the real estate is subsequently abandoned for school purposes;

the school trustees of the school corporations may authorize the use of the real estate for park purposes as provided by this chapter.

*As added by P.L.1-2005, SEC.10.*

**IC 20-26-8-9****Conditions and restrictions for park purposes**

Sec. 9. (a) Money may not be expended out of a school corporation treasury for the maintenance of abandoned school grounds for park purposes.

(b) However, the board of school trustees of a school corporation in a third class city that owns abandoned school grounds may, by an order entered and properly recorded, allow the use of abandoned school grounds by a third class city for park purposes. The order must contain the conditions, restrictions, and limitations within which the third class city may take and use the abandoned school grounds for park purposes.

*As added by P.L.1-2005, SEC.10.*

**IC 20-26-8-10****Acceptance of abandoned school property and cemeteries for park purposes**

Sec. 10. (a) A third class city may, by an ordinance of the common council, accept from a school corporation located within the city the use of abandoned school grounds as provided by this chapter.

(b) A third class city may, by an ordinance of the common council, accept from a person for a definite time of at least five (5) years the use of any real estate in the city formerly used as a cemetery if:

- (1) the cemetery has been abandoned; and
- (2) the bodies have been removed from the cemetery.

(c) A third class city may, through its common council, use and maintain real estate described in subsections (a) and (b) for park purposes for the use of the general public under the same conditions and restrictions provided by law for the use and control and maintenance of park properties by third class cities as if the city owned the real estate.

(d) A third class city may accept by city ordinance real estate for park purposes under the order of the school trustees of the school corporation as provided by this chapter or from another person.

*As added by P.L.1-2005, SEC.10.*

**IC 20-26-8-11****Title to property used for park purposes**

Sec. 11. The:

- (1) title to the real estate remains in the school corporation; and
- (2) use by third class cities continues;

while the cities continue to maintain the real estate as a public park.

*As added by P.L.1-2005, SEC.10.*

**IC 20-26-8-12****Return of property to school corporation when use for park purposes ceases**

Sec. 12. If:

- (1) real estate has been accepted for park purposes; and

(2) a city abandons the use of the real estate for park purposes; the school trustees of the school corporation that owns the real estate may take possession of the real estate and sell or otherwise convey the real estate.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-8-13**

##### **Community use of school swimming pool; reasonable fees allowed**

Sec. 13. (a) In a school township located in a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000);

the township trustee, in administering the recreation program under this chapter, may supplement the funds by making a reasonable charge for admission to any outdoor swimming pool located on the school township property and owned by the school township.

(b) With the approval of the township board, the township trustee shall establish the admission fee or a schedule of admission fees to be collected for the use of the swimming pool. Fees collected shall be deposited in a recreation fund established under this chapter. Disbursements for personal services, operation, maintenance, and repairs of the swimming pool shall be paid from the recreation fund.  
*As added by P.L.1-2005, SEC.10. Amended by P.L.119-2012, SEC.155.*